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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,034	03/16/2001	Kazunobu Konda	P 279136 T4KM-00S1177-1	5592
909	7590	09/20/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			KNOLL, CLIFFORD H	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/809,034

Applicant(s)

KONDA ET AL.

Examiner

Clifford H. Knoll

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to communication filed 6/27/05. Currently claims 21-36 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. *Claims 21-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn (US 6163817).*

Regarding claims 21 and 25, Shteyn discloses the first mode, where the first control command is rejected (e.g., col. 4, lines 52-58), and the second mode, where any of the first and second control commands being received to execute it (e.g., col. 6, lines 32-41), in the second mode rejecting a control command if it is not sent from the registered device, independent of a password, and executing processing if the command is sent from the registered device (e.g., col. 6, lines 35-41, "certain reservations made...").

Regarding claims 22 and 26, Shteyn also discloses first and second modes configured to be set (e.g., col. 6, lines 36-37).

Regarding claims 23 and 27, Shteyn also discloses power-off in the first mode, the network interface is set in a power saving state (e.g., col. 5, lines 17-27).

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Regarding claims 24 and 28, Shteyn discloses the apparatus as a visual device (e.g., col. 5, lines 28-30).

Regarding claims 29 and 33, Shteyn discloses the device controller having a first mode in which self control is preferential (e.g., col. 5, lines 19-23) and a second mode in which a control by another is acceptable (e.g., col. 6, lines 32-37), the first portion configured to reject and fourth portion (e.g., col. 6, lines 9-14), the second portion to accept the control command from the device and be controlled by oneself (e.g., col. 6, lines 14-19), third portion to register a device and the sixth portion (e.g., col. 6, lines 37-41), and the fifth portion to reject an unregistered device (e.g., col. 6, lines 35-41, "certain reservations made...").

Regarding claims 30 and 34, Shteyn also discloses first and second modes configured to be set (e.g., col. 6, lines 36-37).

Regarding claims 31 and 35, Shteyn also discloses power-off in the first mode, the network interface is set in a power saving state (e.g., col. 5, lines 17-27).

Regarding claims 32 and 36, Shteyn discloses the apparatus as a visual device (e.g., col. 5, lines 28-30).

Response to Arguments

Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive.

Regarding claim 21, Applicant argues that, in Shteyn, "as a result of the de-registration of the sub-systems with the control means, the control means does not

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interact with the sub-systems and, therefore, does not issue a control command" (p. 7); however, this is not the case. Shteyn teaches that the registered device may issue commands (e.g., for status) "through a repeated polling procedure, or the user may provide input to the system, in order for system 100 to restore" (col. 4, lines 60-65).

Applicant further argues that Shteyn does not disclose "a system that is configured to reject a control command from a registered device" (p. 7); however, as a result of a first mode selection "[u]pon the CD-player being activated" (col. 4, lines 52-53), the device must be repeatedly polled, thus ensuring the "second control command having a priority over the first control command in the first mode" (claim 21). Even though Shteyn refers to "speakers being de-registered with control means" (col. 4, lines 53-54), the term "registration", as used by Shteyn refers to the registration of "said device" (e.g., col. 3, lines 52-54) and is not the feature applied against the "registration" as currently recited. Rather, Shteyn's device that makes reservations (col. 6, lines 35-41) is interpreted as the recited "registered device". The current recitation of a "registered device" must be broadly interpreted, and thus fails to distinguish from the current interpretation of Shteyn as applied against the claims. And as stated supra, "[u]pon the CD-player being activated" (col. 4, lines 52-53), the second device preempts a "registered device", that is, in Shteyn, a device that makes reservations (e.g., col. 6, lines 35-41). A more narrow recitation of the registered device may serve to distinguish this interpretation.

Applicant further argues that Shteyn does not disclose "if a command is sent from a non-registered device, this command is rejected, even if the system is in a mode

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in which a control command is enabled" (p. 7); however, Shteyn teaches that reservations by certain users allow for "scheduling/configuration purposes without directing any output to the disconnected one(s) of the system". In this mode it would take "a repeated polling procedure, or the user may provide input to the system, in order for system 100 to restore" (col. 4, lines 60-65). Until a successful poll, the repeated polling constitutes the rejected commands.

Applicant arguments regarding claims 25, 29, and 33 have been treated supra with respect to claim 21.

Thus the Examiner maintains the rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H. Knoll whose telephone number is 571-272-3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk



REHANA PERVEEN
PRIMARY EXAMINER
9/16/05